

# Exhibit 4



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A **.gov** website belongs to an official government organization in the United States.



### Secure .gov websites use HTTPS

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**U.S. Immigration  
and Customs  
Enforcement**

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ICE FACT SHEETS

## Using a Victim-Centered Approach with Alien Crime Victims

AUGUST 8, 2023

# QUESTIONS AND ANSWERS

### Q: What has changed?

**A:** U.S. Immigration and Customs Enforcement (ICE) Directive 11005.1, *Stays of Removal Requests and Removal Proceedings Involving U Nonimmigrant Status (U Visa) Petitioners*, required ICE to request a prima facie determination from U.S. Citizenship and Immigration Services (USCIS). This determination was a simple confirmation that the petition was filed correctly and was not a substantive review of the petition. As the number of U visa petitions submitted increased, this process became burdensome on both agencies and often did not impact ICE's decisions.

On December 2, 2021, ICE issued an updated policy. Under ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims*, ICE officers will exercise prosecutorial discretion in appropriate circumstances when they identify victims for witnesses in the course of their duties to facilitate access to justice and victim-based immigration benefits for alien crime victims.

### Q: Will the changes negatively affect crime victims?

**A:** When alien have pending or approved applications or petitions for victim-based immigration benefits, ICE will refrain from taking enforcement actions against the applicant or petitioner until USCIS makes a:

- Final determination for pending T visa applications or Special Immigrant Juvenile Classification petitions.
- Negative bona fide determinations or waiting list determinations for pending U visa petitions.
- Negative prima facie determinations for pending Violence Against Women Act (VAWA) petitions.

**Q: Will ICE remove crime victims who are still assisting law enforcement with the investigation or prosecution of their cases?**

**A:** ICE recognizes the significant law enforcement interest in active victim-witnesses remaining in the United States and will exercise prosecutorial discretion in appropriate circumstances to facilitate access to justice and victim-based immigration benefits by alien crime victims. To that end, absent exceptional circumstances, ICE officers will refrain from taking civil immigration enforcement actions against aliens who are known beneficiaries of victim-based immigration benefits or those known to have pending applications for such benefits.

**Q: Do immigration judges issue removal orders to pending U visa petitioners, and if so, what recourse do U visa petitioners have?**

**A:** Aliens who have applied for a U visa but have not received a favorable adjudication may be subject to removal, depending on the unique circumstances of each individual case. U visa petitioners have all recourse available to them that immigration law permits of anyone else in removal proceedings or with final removal orders.

**Q: Why has there been such an exponential increase in U visa petitions from crime victims?**

**A:** The U visa is now better known by immigration attorneys and law enforcement. The U.S. Government made a concerted effort through training and awareness to ensure that law enforcement was aware of this tool to encourage alien victims of crime to come forward.

**Q: What happens if ICE removes a U visa petitioner from the United States and that person is then granted a U visa after he/she is already removed?**

**A:** ICE defers to USCIS and the U.S. Department of State.

**Q: What is the number of pending applications that end up receiving a U visa?**

**A:** USCIS approves 10,000 principals annually which is the statutory cap.

**Q: Will sponsoring law enforcement agencies and prosecuting offices be informed if potential witnesses are subject to removal?**

**A:** ICE will follow routine notification procedures prior to effectuating the removal of a U visa petitioner whose request for a Stay of Removal was denied. If ICE denies a Stay of Removal request, the agency will reach out to the investigating agency and provide notification that the petitioner is being removed.

**Q: If ICE determines that a U visa petitioner's Stay of Removal request will be granted, will that determination extend to qualifying family members who are included with the petition?**

**A:** Yes, ICE Directive 11005.3 includes qualifying family members. Per statute and regulation, certain family members of a U visa petitioner may also apply.

**Q: Why doesn't ICE comment on specific cases involving U visas?**

**A:** Government officials, including those at ICE, are prohibited from disclosing any information which relates to an individual who has a pending or approved application for relief under 8 U.S.C. § 1367 (i.e., relief under the Violence Against Women Act, T or U visa). The broad language of this statute prohibits not only the disclosure of information relating to the individual's application or claim, but any other information about the individual. Therefore, no information may be released at all – either proactively or in response to a request. These restrictions extend to family members who are included on the individual's application.

## Enforcement and Removal

### 287(g)

#### **Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act**

Allows a state and local law enforcement entity to enter into a partnership with ICE, under a joint MOA to receive delegated authority.

### Detention Oversight

#### **Family Residential Standards**

ERO opened the Berks Family Residential Center to accommodate alien families in ICE custody.

### Enforcement and Removal Operations

#### **Case examples: ICE operations targeting criminal aliens**

Data captured from July 13 to Aug. 20, 2020, shows that ICE officers arrested more than 2,000 at-large individuals living illegally in the U.S.

#### **ICE Air Operations**

IAO is ICE's primary air transportation division.

#### **ICE Detention Standards**

ICE continuously revises its detention standards as needed.

### **Locating Individuals in Detention**

ODLS allows family members, legal representatives, and members of the public to locate individuals who are detained by ICE.

### **Parole of Arriving Aliens Found to Have Credible Fear of Persecution or Torture**

Aliens who arrive in the US at a POE and are found to have a credible fear of persecution or torture will automatically be considered for parole.

### **Using a Victim-Centered Approach with Alien Crime Victims**

Q&A: Using a Victim-Centered Approach with Alien Crime Victims

## **Homeland Security Investigations**

### **Financial Crimes/Cornerstone**

#### **Operation Firewall**

Targets the full array of methods used to smuggle bulk cash.

### **Human Smuggling & Trafficking Unit**

#### **"Operation In Plain Sight" - Targeting Arizona Smuggling Organizations**

'Operation In Plain Sight', named as such because of the brazen nature of the transportation companies' activities

### **Law Enforcement Officer Mission Support**

#### **Immigration and Customs Enforcement Pattern Analysis and Information Collection System (ICEPIC)**

ICEPIC helps to identify suspicious identities and discovers possible non-obvious relationships among individuals and organizations.

## **National Intellectual Property Rights (IPR) Coordination Center**

### **Homeland Security Investigations at Super Bowl LV**

HSI personnel will be on the front lines of the interagency effort to mitigate the threat posed by criminal organizations seeking to exploit and profit from criminal activity conducted in and around the Super Bowl - from the identification and seizure of counterfeit goods to enhanced efforts to counter human trafficking.

### **Intellectual Property Right Theft Enforcement Teams**

IPTETs build on the investigative best practices identified by the IPR Center

### **National Intellectual Property Rights Coordination Center**

The IPR Center stops predatory and unfair trade practices that threaten the global economy.

### **Operation Apothecary**

Combats pharmaceutical smuggling

### **Operation Guardian**

Combats the importation of substandard tainted, and counterfeit products that pose health and safety risks to consumers

### **Operation In Our Sites**

The IPR Center and its partner agencies aggressively pursue those who steal from American businesses and workers.

### **Operation Pangea**

Uses enforcement actions to raise awareness of the dangers posed by counterfeit medicines and medical devices being sold on the Internet

### **Outreach & Training**

IPR Center's Outreach & Training Unit engages in partnerships to combat IP theft through it's Operation Joint Venture initiative

### **Tracing the Counterfeit Shoe Market**

Despite international efforts to stop counterfeiting, a lack of consumer knowledge and the increase of online shopping gives crooks more ways than ever to dupe unsuspecting individuals out of jobs, profits and the health and safety of their families.

## **National Security**

### **Counter-Proliferation Investigations**

Notable ICE Counter-Proliferation Investigations Cases

### **Terrorism-Related Threats and ICE's Authority**

Success Stories – ICE uses Immigration and Customs Authorities to Address National Security threats.

## **Operation Predator**

### **Operation Predator - Targeting child exploitation and sexual crimes**

Each year, millions of children fall prey to sexual predators.

## **Smuggling - Arms, Contraband, Cultural Artifacts**

### **Cultural Property, Art and Antiquities (CPAA) Investigations**

ICE works with experts to authenticate items, determine their true ownership and return them to their countries of origin.

### **In-Bond Merchandise Diversion Smuggling**

In-bond smuggling occurs when someone knowingly avoids paying lawful customs charges or duties on imported or exported merchandise.

### **World War II Cultural Property Cases**

Stolen art, looted antiquities, fraudulently acquired artifacts – these are the little known casualties of war.

## **Student Exchange and Visitor Program**

### **F and M Student Record Termination Reasons in SEVIS**

This job aid is a quick-reference for termination reasons noted in SEVIS.

## **Worksite Enforcement**

### **Form I-9 Inspection**

The Immigration Reform and Control Act designates the I-9 form as the means of verifying identity and employment eligibility.

# **Management and Administration**

## **Chief Financial Officer - Management and Budget**

### **Budget - Fiscal Year 2005**

Budget - Fiscal Year 2005

### **Budget - Fiscal Year 2006**

Budget - Fiscal Year 2006

### **Budget - Fiscal Year 2007**

Budget - Fiscal Year 2007

### **Budget - Fiscal Year 2008**

Budget - Fiscal Year 2008

### **Budget - Fiscal Year 2009**

Budget - Fiscal Year 2009

**Budget - Fiscal Year 2010**

ICE's Fiscal Year 2010 budget figures in key categories

**ICE Fiscal Year (FY) 2011 Enacted Budget**

ICE Fiscal Year (FY) 2011 Enacted Budget

**ICE Fiscal Year (FY) 2012 Enacted Budget**

ICE Fiscal Year (FY) 2012 Enacted Budget



**Office of Human Capital - Careers**

**Student Volunteer Program**

The Student Volunteer Program offers unpaid, professional training opportunities to undergraduate and graduate college students.

Updated: 01/23/2025

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